

**This order is SIGNED.**

**Dated: December 14, 2023**

  
KEVIN R. ANDERSON  
U.S. Bankruptcy Judge



rdr

*Order prepared and submitted by:*

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Attorneys for the Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

<b>In re: ANTHONY FRED PADILLA [Deceased] and LORRAINE SANCHEZ PADILLA,  Debtor.</b>	Case No. 21-24360  Chapter 13  Hon. Kevin R. Anderson
<b>ORDER GRANTING DEBTOR'S MOTION TO ABATE PLAN PAYMENTS, POST- CONFIRMATION MOTION TO MODIFY PLAN TO SURRENDER 2005 CHEVROLET SUBURBAN, AND REQUEST FOR ATTORNEYS' FEES</b>	

The Debtor's Motion to Abate Plan Payments, Post-Confirmation to Modify Plan to Surrender 2005 Chevrolet Suburban, and Request for Attorney's Fees and Costs (Motion) was scheduled for hearing on December 18, 2023, at 2:30 p.m. The Trustee and all parties in interest received proper notice of the pending Motion and hearing in accordance with Local Rules of

Practice 2002-1, D. Utah, and Fed. R. Bankr. P. 2002. The Trustee's response to the Motion has been resolved and no other timely objections were filed with the Court. In the absence of objection, the hearing was stricken at the request of the Debtor.

After consideration of the Motion and being otherwise fully advised in the premises and for good cause appearing, the Court ORDERS as follows:

1. The Debtor's Motion is granted; and
2. Delinquent plan payments in the amount of \$1,650.00 are abated; and
3. Debtor shall resume plan payments to the Trustee beginning with the payment due for December 25, 2023, at the decreased amount of \$300.00; and
4. The Debtor is authorized to surrender a 2005 Chevrolet Suburban to the secured lender, Titanium Funds ("Creditor"); and
5. The Trustee shall not be required to make any further disbursement on the secured portion of Proof of Claim No. 12 filed by Creditor; and
6. The Trustee shall not retrieve any payments previously disbursed to Creditor prior to entry of this Order; and
7. Creditor shall be allowed up to 180 days from the entry of this Order to file a deficiency claim. If no deficiency claim is filed by the lender, the Trustee may still distribute on the unsecured portion of Proof of Claim No. 12; and
8. Local Rule 2083-2(k)(1) shall be applicable upon entry of the order; and
9. Additional compensation in the amount of **\$619.96** shall be paid to the Watton Law Group by the Trustee as part of the confirmed plan for services rendered during representation of the Debtor related to this Motion.

\*\*\*\*\*END OF DOCUMENT\*\*\*\*\*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 13, 2023, I electronically filed the foregoing ORDER GRANTING DEBTOR'S MOTION TO ABATE PLAN PAYMENTS, POST-CONFIRMATION MOTION TO MODIFY PLAN TO SURRENDER 2005 CHEVROLET SUBURBAN, AND REQUEST FOR ATTORNEYS' FEES with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users.

Chapter 13 Trustee: <a href="mailto:ecfmail@ch13ut.org">ecfmail@ch13ut.org</a> U.S. Trustee's Office: <a href="mailto:USTPRegion19.SK.ECF@usdoj.gov">USTPRegion19.SK.ECF@usdoj.gov</a>
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/s/ Marji Hanson for Watton Law Group

### **DESIGNATION OF PARTIES TO RECEIVE NOTICE OF COURT ORDER**

Service of the foregoing ORDER GRANTING DEBTOR'S MOTION TO ABATE PLAN PAYMENTS, POST-CONFIRMATION MOTION TO MODIFY PLAN TO SURRENDER 2005 CHEVROLET SUBURBAN, AND REQUEST FOR ATTORNEYS' FEES shall be served on the parties in the manner designated below:

**By Electronic Service:** I certify that the parties of record in this case, as identified below are registered CM/ECF users.

- **Marji Hanson** maloneymr67557@notify.bestcase.com,ndcdata@wattongroup.com
- **Bryant Thomas Hinckley** bryant@crooklegal.com
- **Lon Jenkins tr** ecfmail@ch13ut.org, lneebing@ch13ut.org
- **Abraham O. Smoot** aosvii@gmail.com, recoupassetmanagement@gmail.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Michael Watton** wlgs1c@wattongroup.com

**By U.S. Mail:** In addition to the parties received notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

- Lorraine Padilla: 6098 South Cub Drive Salt Lake City, UT 84129

/s/ Marji Hanson for Watton Law Group